(18)

HIGH COURT OF CHHATTISGARH AT BILASPUR

Writ Petition No. 6455 of 2005

Petitioner : Abrham Minj S/o Samuael Minj aged about 57 yrs, Head Master R/O Catholic Primary School Bhelwan Tah. Kunkuri, Distt. Jashpur, [C.G.]

Versus

Respondents :

1. State of Chhattisgarh, Through the Secretary, Department of School Education, Mantralay, D.K.S. Bhawan Raipur [C.G.]
2. The Director, Directorates of Public Instruction, Pension Bada Raipur [C.G]
3. The District Education Officer Public Instructions Jashpur, [C.G.]
4. The Chairman / Manager Catholic Primary School Bhelwan, Kunkuri Catholic Institutions Jashpur South Zone P.O. Kunkuri, Distt. Jashpur [C.G.]

Writ Petition No. 6456 of 2005

Petitioner : Robert Minj S/o Joseph Minj Aged about 54 yrs, Assitant Teacher R/O Catholic Primary School Bhelwan Tah. Kunkuri, Distt. Jashpur, [C.G.]

Versus

Respondents :

1. State of Chhattisgarh, Through the Secretary, Department of School Education, Mantralay, D.K.S. Bhawan Raipur [C.G.]
2. The Director, Directorates of Public Instruction, Pension Bada Raipur [C.G]

3. The District Education Officer Public Instructions Jashpur, [C.G.]

4. The Chairman / Manager Catholic Primary School Bhelwan, Kunkuri Catholic Institutions Jashpur South Zone P.O. Kunkuri, Distt. Jashpur [C.G.]

Writ Petition No. 6482 of 2005

Petitioner : Bhinsent Tigga S/o Gabrial Tigga, Aged about 63 yrs, Retired Lecturer, R/O Vill. Ginabahar, Distt. Jashpur [C.G.], Postal Add. Girl's Hr. Sec. School Ginabahar, Jashpur [C.G.]

Versus

Respondents : 1. State of Chhattisgarh, Through the Secretary, Department of School Education, Mantralay, D.K.S. Bhawan Raipur [C.G.]

2. The Director, Directorates of Public Instruction, Pension Bada Raipur [C.G]

3. The District Education Officer Public Instructions Jashpur, [C.G.]

4. The Chairman / Manager, Girl's Hr. Sec. School Ginabahar, Raigarh Society of Fransicon Sisters of Marry H.O. & P.O. Ginabahar, Distt. Jashpur [C.G.]

Writ Petition No. 6483 of 2005

Petitioner : Carlus Xess S/o Late Joseph Xess, Aged about 65 yrs, Retired U.D. Teacher, R/O Vill. Kunkuri, Distt. Jashpur [C.G.], Postal Add. Loyola Hr. Sec. School Kunkuri, Jashpur, [C.G.]

Versus

Respondents : 1. State of Chhattisgarh, Through the Secretary, Department of School Education, Mantralay, D.K.S. Bhawan Raipur [C.G.]

2. The Director, Directorates of Public Instruction, Pension Bada Raipur [C.G]

3. The District Education Officer Public Instructions Jashpur, [C.G.]

4. The Chairman / Manager Loyola Hr. Sec. School Kunkuri Jashpur, Loyola Jesuit Society Kunkuri, P.O. Kunkuri, Distt. Jashpur [C.G.]

Writ Petition No. 6485 of 2005

Petitioner : Junas Ekka S/o Late Peter Ekka, Aged about 68 yrs, Retired U.D. Teacher, R/O Vill. Kunkuri, Distt. Jashpur [C.G.], Postal Add. Loyola Hr. Sec. School Kunkuri, Jashpur, [C.G.]

Versus

Respondents : 1. State of Chhattisgarh, Through the Secretary, Department of School Education, Mantralay, D.K.S. Bhawan Raipur [C.G.]

2. The Director, Directorates of Public Instruction, Pension Bada Raipur [C.G]

3. The District Education Officer Public Instructions Jashpur, [C.G.]

4. The Chairman / Manager, Loyola Hr. Sec. School Kunkuri Jashpur, Loyola Jesuit Society Kunkuri, P.O. Kunkuri, Distt. Jashpur [C.G.]

Writ Petition No. 6486 of 2005

Petitioner : Bhinsent Toppo S/o Late Dhan Kunwar Toppo Aged about 63 yrs, Retired U.D. Teacher R/O Vill. Lokhandi Distt. Jashpur [C.G.] Postal Add. Motilal Hr. Sec. School Lokhandi Jashpur, [C.G.]

Versus

Respondents :

1. State of Chhattisgarh, Through the Secretary, Department of School Education, Mantralay, D.K.S. Bhawan Raipur [C.G.]
2. The Director, Directorates of Public Instruction, Pension Bada Raipur [C.G]
3. The District Education Officer Public Instructions Jashpur, [C.G.]
4. The Chairman / Manager Moti lal Hr. Sec. School Lokandi Jashpur Regional Development Committee Lokhandi Distt. Jashpur [C.G.]

Writ Petition No. 6487 of 2005

Petitioner : Benedict Minj S/o Late Thomas Minj, Aged about 65 yrs, Retired U.D. Teacher, R/O Vill. Kunkuri, Distt. Jashpur [C.G.], Postal Add. Loyola Hr. Sec. School Kunkuri, Jashpur, [C.G.]

Versus

Respondents :

1. State of Chhattisgarh, Through the Secretary, Department of School Education, Mantralay, D.K.S. Bhawan Raipur [C.G.]
2. The Director, Directorates of Public Instruction, Pension Bada Raipur [C.G]
3. The District Education Officer Public Instructions Jashpur, [C.G.]

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4. The Chairman / Manager Loyola Hr. Sec. School Kunkuri Jashpur, Loyola Jesuit Society Kunkuri, P.O. Kunkuri, Distt. Jashpur [C.G.]

Writ Petition No. 6488 of 2005

Petitioner : Tintus Ekka S/o Late Julius Ekka, Aged about 64 yrs, Retired U.D. Teacher, R/O Vill. Kunkuri, Distt. Jashpur [C.G.], Postal Add. Loyola Hr. Sec. School Kunkuri, Jashpur, [C.G.]

Versus

Respondents :

1. State of Chhattisgarh, Through the Secretary, Department of School Education, Mantralay, D.K.S. Bhawan Raipur [C.G.]

2. The Director, Directorates of Public Instruction, Pension Bada Raipur [C.G]

3. The District Education Officer Public Instructions Jashpur, [C.G.]

4. The Chairman / Manager, Loyola Hr. Sec. School Kunkuri Jashpur, Loyola Jesuit Society Kunkuri, P.O. Kunkuri, Distt. Jashpur [C.G.]

Writ Petition No. 6491 of 2005

Petitioner : Miss Josphin Barwa D/o Carlus Barwa Aged about 45 yrs, U.D. Teacher, Working under Committee M.P. Holy Cross Sisters Asso. H.O. Gholengh, R/O Holy Cross Girls Hr. Sec. School Gholeng, Distt. Jashpur, [C.G.]

Versus

Respondents :

1. State of Chhattisgarh, Through the Secretary, Department of School Education, Mantralay, D.K.S. Bhawan Raipur [C.G.]

2. The Director, Directorates of Public Instruction, Pension Bada Raipur [C.G]

3. The District Education Officer Public Instructions Jashpur, [C.G.]

Writ Petition No. 6506 of 2005

Petitioner : Ku. Apolina Kujur D/o Piyus Kujur Aged about 45 yrs, Assistant Teacher, Working under Committee M.P. Holy Cross Sisters Asso. H.O. Gholengh, R/O Holy Cross Girls Hr. Sec. School Gholeng, Distt. Jashpur, [C.G.]

Versus

Respondents : 1. State of Chhattisgarh, Through the Secretary, Department of School Education, Mantralay, D.K.S. Bhawan Raipur [C.G.]

2. The Director, Directorates of Public Instruction, Pension Bada Raipur [C.G]

3. The District Education Officer Public Instructions Jashpur, [C.G.]

Writ Petition No. 6507 of 2005

Petitioner : Smt. Nalini Barwa W/o Lucas Barwa Aged about 61 yrs, U.D. Teacher, Working under Committee M.P. Holy Cross Sisters Asso. H.O. Gholengh, R/O Holy Cross Girls Hr. Sec. School Gholeng, Distt. Jashpur, [C.G.]

Versus

Respondents : 1. State of Chhattisgarh, Through the Secretary, Department of School Education, Mantralay, D.K.S. Bhawan Raipur [C.G.]

2. The Director, Directorates of Public Instruction, Pension Bada Raipur [C.G]

3. The District Education Officer Public Instructions Jashpur, [C.G.]

Writ Petition No. 6508 of 2005

Petitioner : Smt. Maira Sunita Toppo w/o Ajay Toppo Aged about 36 yrs, U.D. Teacher, Working under Committee M.P. Holy Cross Sisters Asso. H.O. Gholengh, R/O Holy Cross Girls Hr. Sec. School Gholeng, Distt. Jashpur, [C.G.]

Versus

Respondents :

1. State of Chhattisgarh, Through the Secretary, Department of School Education, Mantralay, D.K.S. Bhawan Raipur [C.G.]

2. The Director, Directorates of Public Instruction, Pension Bada Raipur [C.G]

3. The District Education Officer Public Instructions Jashpur, [C.G.]

Writ Petition No. 6509 of 2005

Petitioner : Smt. Maximilia Xalxo W/o Bengul Xalxo Aged about 36 yrs, U.D. Teacher, Working under Committee M.P. Holy Cross Sisters Asso. H.O. Gholengh, R/O Holy Cross Girls Hr. Sec. School Gholeng, Distt. Jashpur, [C.G.]

Versus

Respondents :

1. State of Chhattisgarh, Through the Secretary, Department of School Education, Mantralay, D.K.S. Bhawan Raipur [C.G.]

2. The Director, Directorates of Public Instruction, Pension Bada Raipur [C.G]

3. The District Education Officer Public Instructions Jashpur, [C.G.]

Writ Petition No. 6510 of 2005

Petitioner : Smt. Ishpriya Rajani Ekka W/o Ranjit Ekka Aged about 35 yrs, Upper Div. Teacher, Working under Committee M.P. Holy Cross Sisters Asso. H.O. Gholengh, R/O Holy Cross Girls Hr. Sec. School Gholeng, Distt. Jashpur, [C.G.]

Versus

Respondents :

1. State of Chhattisgarh, Through the Secretary, Department of School Education, Mantralay, D.K.S. Bhawan Raipur [C.G.]

2. The Director, Directorates of Public Instruction, Pension Bada Raipur [C.G]

3. The District Education Officer Public Instructions Jashpur, [C.G.]

Writ Petition No. 6511 of 2005

Petitioner : Miss Jenebiba Ekka D/o Johan Ekka Aged about 46 yrs, Upper Div. Teacher, Working under Committee M.P. Holy Cross Sisters Asso. H.O. Gholengh, R/O Holy Cross Girls Hr. Sec. School Gholeng, Distt. Jashpur, [C.G.]

Versus

Respondents :

1. State of Chhattisgarh, Through the Secretary, Department of School Education, Mantralay, D.K.S. Bhawan Raipur [C.G.]

2. The Director, Directorates of Public Instruction, Pension Bada Raipur [C.G]

3. The District Education Officer Public Instructions Jashpur, [C.G.]

Writ Petition No. 6524 of 2005

Petitioner : Ku. Jyoti Minj D/o Marcus Minj Aged about 33 yrs, Assistant Teacher R/O Catholic Primary School Bhelwan Teh. Kunkuri, Distt. Jashpur, [C.G.]

Versus

Respondents :

1. State of Chhattisgarh, Through the Secretary, Department of School Education, Mantralay, D.K.S. Bhawan Raipur [C.G.]
2. The Director, Directorates of Public Instruction, Pension Bada Raipur [C.G]
3. The District Education Officer Public Instructions Jashpur, [C.G.]
4. The Chairman / Manager Catholic Primary School Bhelwan, Kunkuri Catholic Institutions Jashpur South Zone P.O. Kunkuri, Distt. Jashpur [C.G.]

Writ Petition No. 6525 of 2005

Petitioner : Ku. Sekunda Minj D/o Ageniyus Minj Aged about 36 yrs, Assistant Teacher R/O Catholic Primary School Bhelwan Teh. Kunkuri, Distt. Jashpur, [C.G.]

Versus

Respondents :

1. State of Chhattisgarh, Through the Secretary, Department of School Education, Mantralay, D.K.S. Bhawan Raipur [C.G.]

2. The Director, Directorates of Public Instruction, Pension Bada Raipur [C.G]

3. The District Education Officer Public Instructions Jashpur, [C.G.]

4. The Chairman / Manager Catholic Primary School Bhelwan, Kunkuri Catholic Institutions Jashpur South Zone P.O. Kunkuri, Distt. Jashpur [C.G.]

Writ Petition No. 6527 of 2005

Petitioner : Sis. Gulab Kujur D/o Thomas Kujur Aged about 54 yrs, U.D. Teacher, Working under Committee M.P. Holy Cross Sisters Asso. H.O. Gholengh, R/O Holy Cross Girls Hr. Sec. School Gholeng, Distt. Jashpur, [C.G.]

Versus

Respondents :

1. State of Chhattisgarh, Through the Secretary, Department of School Education, Mantralay, D.K.S. Bhawan Raipur [C.G.]

2. The Director, Directorates of Public Instruction, Pension Bada Raipur [C.G]

3. The District Education Officer Public Instructions Jashpur, [C.G.]

Writ Petition No. 6531 of 2005

Petitioner : Smt. Marry Patrisia Kujur W/o Nirmal Kujur Aged about 45 yrs, Lab Assistant, Working under Committee M.P. Holy Cross Sisters Asso. H.O. Gholengh, R/O Holy Cross Girls Hr. Sec. School Gholeng, Distt. Jashpur, [C.G.]

Versus

Respondents : 1. State of Chhattisgarh, Through the Secretary, Department of School Education, Mantralay, D.K.S. Bhawan Raipur [C.G.]

2. The Director, Directorates of Public Instruction, Pension Bada Raipur [C.G]

3. The District Education Officer Public Instructions Jashpur, [C.G.]

Writ Petition No. 6535 of 2005

Petitioner : Ku. Immakulata Ekka D/o Bhinsent Ekka Aged about 55 yrs, Assistant Teacher, Working under Committee M.P. Holy Cross Sisters Asso. H.O. Gholengh, R/O Holy Cross Girls Hr. Sec. School Gholeng, Distt. Jashpur, [C.G.]

Versus

Respondents : 1. State of Chhattisgarh, Through the Secretary, Department of School Education, Mantralay, D.K.S. Bhawan Raipur [C.G.]

2. The Director, Directorates of Public Instruction, Pension Bada Raipur [C.G]

3. The District Education Officer Public Instructions Jashpur, [C.G.]

Writ Petition No. 6536 of 2005

Petitioner : Smt. Irine Lucy Ekka W/o Michael Ekka Aged about 60 yrs, Assistant Teacher, Working under Committee M.P. Holy Cross Sisters Asso. H.O. Gholengh, R/O Holy Cross Girls Hr. Sec. School Gholeng, Distt. Jashpur, [C.G.]

Versus

Respondents : 1. State of Chhattisgarh, Through the Secretary, Department of School Education, Mantralay, D.K.S. Bhawan Raipur [C.G.]

2. The Director, Directorates of Public Instruction, Pension Bada Raipur [C.G]

3. The District Education Officer Public Instructions Jashpur, [C.G.]

Writ Petition No. 6538 of 2005

Petitioner : Nirdosh Toppo S/o Benedit Toppo Aged about 42 yrs, P.T. Instructor, Working under Committee M.P. Holy Cross Sisters Asso. H.O. Gholengh, R/O Holy Cross Girls Hr. Sec. School Gholeng, Distt. Jashpur, [C.G.]

Versus

Respondents : 1. State of Chhattisgarh, Through the Secretary, Department of School Education, Mantralay, D.K.S. Bhawan Raipur [C.G.]

2. The Director, Directorates of Public Instruction, Pension Bada Raipur [C.G]

3. The District Education Officer Public Instructions Jashpur, [C.G.]

Writ Petition No. 6539 of 2005

Petitioner : Ku. Augustina Hembrome D/o Bernard Aged about 36 yrs, U.D. Teacher, Working under Committee M.P. Holy Cross Sisters Asso. H.O. Gholengh, R/O Holy Cross Girls Hr. Sec. School Gholeng, Distt. Jashpur, [C.G.]

Versus

Respondents : 1. State of Chhattisgarh, Through the Secretary, Department of School Education, Mantralay, D.K.S. Bhawan Raipur [C.G.]

2. The Director, Directorates of Public Instruction, Pension Bada Raipur [C.G]

3. The District Education Officer Public Instructions Jashpur, [C.G.]

Writ Petition No. 6540 of 2005

Petitioner : Ku. Sabina Kerketta D/o Anjulus Kerketta Aged about 33 yrs, U.D. Teacher, Working under Committee M.P. Holy Cross Sisters Asso. H.O. Gholengh, R/O Holy Cross Girls Hr. Sec. School Gholeng, Distt. Jashpur, [C.G.]

Versus

Respondents : 1. State of Chhattisgarh, Through the Secretary, Department of School Education, Mantralay, D.K.S. Bhawan Raipur [C.G.]

2. The Director, Directorates of Public Instruction, Pension Bada Raipur [C.G]

3. The District Education Officer Public Instructions Jashpur, [C.G.]

Writ Petition No. 6570 of 2005

Petitioner : Joseph Kujur S/o Late B. Kujur, Aged about 66 yrs, Retired U.D. Teacher, R/O Vill. Kunkuri, Distt. Jashpur [C.G.], Postal Add. Loyola Hr. Sec. School Kunkuri, Jashpur, [C.G.]

Versus

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Respondents : 1. State of Chhattisgarh, Through the Secretary, Department of School Education, Mantralay, D.K.S. Bhawan Raipur [C.G.]

2. The Director, Directorates of Public Instruction, Pension Bada Raipur [C.G]

3. The District Education Officer Public Instructions Jashpur, [C.G.]

4. The Chairman / Manager Loyola Hr. Sec. School Kunkuri Jashpur, Loyola Jesuit Society Kunkuri, P.O. Kunkuri, Distt. Jashpur [C.G.]

And

Writ Petition No. 2212 of 2006

Petitioners : 1. Smt. Shanti Toppo W/o Silbanus Aged about 50 yrs, Assistant Teacher

2. Smt. Auleria Lakra S/o Jai Mashih Aged about 36 yrs, Assistant Teacher

3. Ku. Hiramani Bai D/o Jagmohan Aged about 32 yrs, Assistant Teacher

4. Smt. Silmanti Tirkey w/o Tejkumar Aged about 36 yrs. Assistant Teacher

All are working at & Address are: - Dibya Bandana Girls Middle School Jokbahala Distt. Jashpur [C.G.]

Versus

Respondents : 1. State of Chhattisgarh, Through the Secretary, Department of School Education, Mantralay, D.K.S. Bhawan Raipur [C.G.]

2. The Director, Directorates of Public Instruction, Pension Bada Raipur [C.G]

3. The District Education Officer Public Instructions Jashpur, [C.G.]

4. The Chairman / Manager Dibya Bandana Girls Middle School Jokbahala, Christian Peoples Committee Jokbahala, Distt. Jashpur [C.G.]

Single Bench: Hon'ble Mr. Justice **Satish K. Agnihotri.**

Present: Mr. Neelkant Malviya, Advocate for the petitioners.
Mr. V.V.S. Moorthy, Deputy Advocate General with Mrs. Anju Ahuja, Deputy Government Advocate for the State/respondents.

ORDER

(Passed on 19th day of March, 2007)

The following order of the Court is passed by **Satish K. Agnihotri, J.**

1. In this batch of writ petitions, all the petitioners are teachers working in Government aided schools. The question of law involved herein asto whether the teachers working in Government aided schools are entitled to the benefit of recommendations of the Fifth Pay Commission under the provisions of the Madhya Pradesh Ashaskiya Sikshan Sanstha (Adhyapakon Tatha Anya Karmchariyon Ke Vetano Ka Sandaya) Adhiniyam, 1978 (henceforth 'the Adhiniyam, 1978') and the rules made thereunder read with the Madhya Pradesh Revision of Pay Rules, 1998 (henceforth 'the Pay Rules, 1998').

2. The identical question of law was considered by this Court in batch of matters i.e. Smt. A. Lall vs. State of Chhattisgarh and other connected matters (W.P. No. 4108 of 2005) and by judgment and order dated 6.2.2007, this Court held that the petitioners who are working in 100% Government aided private schools are entitled to the revised pay-scales with effect from 1-1-1996 as prescribed under the Pay Rules, 1998. This Court further for the purpose of payment of arrears had granted certain direction.

3. Admittedly and jointly, it is submitted by the parties that this batch of matters are squarely covered by the judgment and order dated 6.2.2007 passed by this Court in the case of Smt. A. Lall vs. State of Chhattisgarh and other connected matters (Supra).

4. As a result, for the reasons stated in the judgment and order dated 6.2.2007 passed in W.P. No. 4108 of 2005 (Smt. A. Lall vs. State of Chhattisgarh and other connected matters) (Supra). These writ petitions are allowed in the same terms and conditions.

5. A copy of this order be placed on the record of the connected writ petitions.

Sd/-
Satish K. Agnihotri
Judge

Subhash